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Michael P. Hayden
The Procter & Gamble Company/Intellectual Property Division
Winston Hill Technical Center – Box 161
6110 Center Hill Ave
Cincinnati OH 45224

In re Application of: KLINE et al. :
Appl. No.: 09/778,687 : DECISION ON PETITION
Filed: February 7, 2001 :
For: ACTIVE CHANGE AIDS FOR EXTERNAL :
ARTICLES :

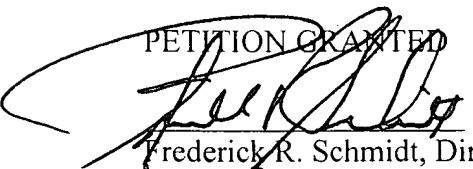
This is a decision on the petition filed on April 20, 2005 by which petitioner requests withdrawal of a holding of abandonment and for further consideration of the subject Application due to non-receipt of Office action via US Postal Service. The petition is considered pursuant to 37 CFR 1.181, and no fee is required. A Notice of Abandonment has not been mailed.

The petition is granted.

It appears from the petition that the Office letter in question, mailed December 12, 2003, was never received by petitioner. This conclusion is reached based upon the evidentiary showing that accompanies the petition, which is persuasive that the Office letter in question was not received. In general, compare the requirements of the Notice published at 1156 OG 53 with respect to nonreceipt of Office correspondence.

Petitioner became aware of a mailing via a check of records in private PAIR well after the time period for reply set in the December 12 2003 mailing and presumed the application stood abandoned. Purportedly, petitioner contacted the examiner to discover the nature of the deficiency outlined in the Notice of Informal or Non-Responsive Amendment mailed December 12, 2003 and included a proposed response with the petition of April 20, 2005. However, no response is seen in the record.

Thus, it appears that petitioner is entitled to have the Office Action of December 12, 2003 remailed. The application is being forwarded to the Head Supervisory Applications Examiner in Technology Center 3700 to have an entry in the PALM system made to show that the Notice of Informal or Non-Responsive Amendment dated December 12, 2003 is remailed with the time period for response restarted concurrently with the mailing of this decision.


PETITION GRANTED

Frederick R. Schmidt, Director
Technology Center 3700